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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/671,428 | 09/26/2003 | Teow Beng Hur | 82533 | 8193 |

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/671,428 | Applicant(s) HUR, TEOW BENG | |
| | Examiner Yvonne M. Horton | Art Unit 3635 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-15 is/are rejected.
- 7) ☒ Claim(s) 4 AND 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Regarding claims 7,10,12 and 15, the phrases "and/or" and "can be" render the claims indefinite because it is unclear which element following the phrase is a part of the claimed invention or whether the limitations following the phrase are actual parts of the claimed invention.

Claim 15 is objected to because of the following informalities: the phrase "extended using modular extension mould" seems awkward. It appears that perhaps an --a-- should be inserted before "modular". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,2 and 6 stand rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,273,393 to McCOY. McCOY discloses a formwork including a support structure including a platform (16) defining a surface to cast, a sub-structure (32,47) supporting the platform (16), a plurality of side forms (12) positionable on the platform (16), each side (12) is braced by at least one brace (52) having an adjustment means (18). In reference to claim 2, each brace (52) structure includes an abutment (64) and a strut (54). Regarding claim 6, the system includes a plurality of sets of side forms (12).

Claims 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,273,393 to McCOY. Regarding claim 12, the sub-structure (47) of McCOY is

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an I-beam that provides support to the platform (16) through the bracket assembly (52).

In reference to claims 13 and 14, the platform (16) and side forms (12), being flat/planar, impart a flat/planar/straight shape onto the surfaces of the panel being cast.

Regarding claim 15, the height of the McCOY framework system is extended using a modular extension bracket (52) and mould defined by the side forms (12) and the platform (16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 6-11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,273,393 to McCOY. As detailed above, McCOY discloses the basic claimed invention except for explicitly detailing the use of form sets and the set of forms having varying heights. Although McCOY is silent in this regard, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the use

of form sets and form height suitable for the use intended as an obvious matter of design choice. For instance, if the form were being used to form a stepped pyramid-type structure for children to climb on, a form set could be provided on each side of the peak of the pyramid and each progressive or stepped incline of the pyramid could have a different height and width. Regarding claim 7, the sub-structure (47) of McCOY is an I-beam that provides support to the platform (16) through the bracket assembly (52). In reference to claims 8 and 9, the platform (16) and side forms (12), being flat/planar, impart a flat/planar/straight shape onto the surfaces of the panel being cast. Regarding claim 10, the height of the McCOY framework system is extended using a modular extension bracket (52) and mould defined by the side forms (12) and the platform (16).

Allowable Subject Matter


Claims 4 and 5 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yvonne M. Horton
Art Unit 3635
11/22/05